

FORTY-SEVENTH DAY

(Monday, April 13, 1953)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moore
Ashley	Parkhouse
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Russell
Hardeman	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent—Excused

Hazlewood

A quorum was announced present.

The Invocation was offered by the Reverend W. H. Townsend, Chaplain, as follows:

Our Father, Lift up Thy countenance, make Thy face to shine upon us, and bless us. Give us Thy presence that we may let our lights shine before the people of Texas that they may see our good works and glorify our Father which is in heaven. We pray in Christ's Name. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 9, 1953, was dispensed with and the Journal was approved.

Leave of Absence

Senator Hazlewood was granted leave of absence for today on account of illness on motion of Senator McDonald.

Conference Committee Report on House Bill 111

Senator Lock submitted the following Conference Committee Report on H. B. No. 111:

Austin, Texas,
April 10, 1953.

Honorable Reuben E. Senterfitt,
Speaker of the House of Representatives.

Honorable Ben Ramsey, President of the Senate.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on House Bill No. 111 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

Respectfully submitted,

SMITH of Hays

GRAY

HUFFMAN

HULL

NIEMAN

On the part of the House,

LOCK

AIKIN

LANE

MARTIN

PHILLIPS

On the part of the Senate.

The report was read.

Senator Lock moved the adoption of the Conference Committee Report.

Senator Rogers of Travis moved as a substitute motion that the Conference Committee Report be recommitted to a new committee, the Senate Members of which would be the same.

Question first on the substitute motion by Senator Rogers of Travis, the motion was lost.

Question recurring on the motion by Senator Lock to adopt the Conference Committee Report, the motion prevailed and the report was adopted subject to the provisions of Section 49-A of Article III of the Constitution of the State of Texas.

Record of Vote

Senators Weinert, Hardeman and Rogers of Travis asked to be recorded as voting "nay" on the adoption of the Conference Committee Report on H. B. No. 111.

Senate Resolution 218

Senator Latimer offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, about forty-five students of the civics class and their teacher, Miss Johnnie McCaughan, of the Alamo Heights Senior High School, San Antonio; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Latimer presented the class and the teacher to the Members of the Senate.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
April 13, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 70, A bill to be entitled "An Act authorizing cities, towns and villages to provide Workmen's Compensation Insurance for city, town, and village employes and their representatives and beneficiaries for personal injuries sustained in the course of employment and from death resulting from such injuries; defining words and phrases as used in the Act; providing that said cities, towns and villages may be self-insuring or may purchase Workmen's Compensation Insurance from any company, authorizing to do business in Texas; providing that all claims shall be presented to and passed on by the Industrial Accident Board; providing that the city, town or village is charged with the administration of this Act; providing for any appeal by the claimant or the city, town or village from the Board's award; providing that the duly authorized legal representative of the city, town or village shall be the regular representative of said city, town or village; providing a saving clause; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 474, A bill to be entitled "An Act amending the Insurance Code of Texas, Acts 1951, 52nd Legislature,

Chapter 491, by adding Article 5.76 requiring insurance companies and associations to organize an agency to be known as 'The Texas Workmen's Compensation Assigned Risk Pool' to provide workmen's compensation insurance for employers who have been rejected or whose insurance has been cancelled by any such insurance company or association; requiring each such company or association authorized to write workmen's compensation insurance and/or insurance under the Longshoremen's and Harbor Workers' Compensation Act in Texas to authorize such agency to act in its behalf; requiring such insurance companies or associations to reinsure the risk of such employers in proportion to their volumes of premiums written; authorizing the agency to adopt rules subject to approval of the Board of Insurance Commissioners of Texas; authorizing such companies and associations to require employers to comply with reasonable rules for the prevention of injuries; amending Article 5.65 of the Insurance Code of Texas and providing for administrative and judicial review; amending Section 2 of Article 8309, Revised Civil Statutes, 1925, and providing that no such company or association shall be required to issue such policies except through the agency; defining terms; exempting such companies or associations who do not write such insurance for the public; authorizing the Board of Insurance Commissioners to regulate policy forms and rates or premium on insurance written through the agency; repealing Section 18, Article 8308, Revised Civil Statutes, 1925, and all laws inconsistent with this Act; providing that invalidity of parts of this Act shall not invalidate other parts; providing for an effective date of July 1, 1953; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Resolution 219

Senator Moore offered the following resolution:

Whereas, We are honored today to have in the gallery students from the Caldwell High School, accompanied by Mr. Steve Shilter; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young

American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senate Concurrent Resolution 38

Senator Moffett offered the following resolution:

S. C. R. No. 38, Relating to the 50th Muster Day of the Texas A. and M. College.

Whereas, The Agricultural and Mechanical College of Texas is our oldest State institution of higher learning, having been founded during the reconstruction days following the Civil War; and

Whereas, Said institution has expanded from an original enrollment of less than 100 students to several thousand students at the present time; and

Whereas, Said college has grown as Texas has grown and has contributed much to the growth of our State; its past is as inseparably linked with the history of Texas for the past 77 years as its future is linked with the future of the young men of Texas; and

Whereas, Throughout the long history of the A. and M. College of Texas, together with its branches now forming the Texas A. and M. College System, said institution has through classroom instruction, widespread research and extension service become a vital factor in the agricultural, technological and industrial development of Texas, and through its superlative military training program has provided a continuous reserve of military strength, always ready to be used for national defense—the latter being fully exemplified by the fact that the A. and M. College of Texas has not been exceeded by any other institution in the number of officers or other highly trained personnel available for our country's defense in recent global struggles; and

Whereas, April 21, 1953, will be the 50th anniversary of the original Muster observed by the students of this great Texas institution; approximately 400 Muster observances will be

held on this day by former students throughout the world; and

Whereas, The most important of these Muster ceremonies will be held on the campus of A. and M. College; and

Whereas, The Honorable Dan Thornton, a native Texan and now Governor of the State of Colorado, will deliver the principal Muster Day address at Texas A. and M. College; now, therefore, be it

Resolved, By the Senate of the 53rd Legislature, the House of Representatives concurring, on behalf of the people of Texas, that we do join in spirit with the students, former students and faculty of the College, who will on April 21, 1953, observe the 50th Muster of the students and ex-students of A. and M. College, and that we congratulate the Invitation Committee for having prevailed on the Honorable Dan Thornton, Governor of Colorado, to make the address on this occasion. We further desire to extend to him the hand of welcome from the people of his native State, with the hope that he may return and again take part in these same ceremonies at a future date; and, be it further

Resolved, That a copy of this resolution be sent to the Honorable Dan Thornton, Governor of Colorado, a copy to the Chancellor of the Texas A. and M. College System, a copy to the President of the Texas A. and M. College, and a copy to the President of the Former Students Association of that great educational institution.

MOFFETT
COLSON
BRACEWELL
ROGERS of Childress

The resolution was read.

On motion of Senator Moffett, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Resolution 220

Senator Willis offered the following resolution:

Whereas, We are honored today to have in the gallery the students from the Fort Worth Junior Academy accompanied by their teacher, Mrs. Ophelia Ferguson, Reverend W. S. Hancock and the Honorable Harold Jeukes, and

Whereas, The students and guests are on an educational tour of the

Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Willis presented the class and their teachers to the Members of the Senate.

Reports of Standing Committees

Senator Hardeman submitted the following reports:

Austin, Texas,
April 13, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, to whom was referred H. B. No. 465, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

HARDEMAN, Chairman.

Austin, Texas,
April 13, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, to whom was referred H. B. No. 621, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

HARDEMAN, Chairman.

Senator Martin submitted the following report:

Austin, Texas,
April 9, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 75, have had the same under consideration, and we are instructed to report it back to the Senate with the

recommendation that it do pass and be printed.

MARTIN, Chairman.

Senator Fuller submitted the following reports:

Austin, Texas,
April 13, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 626, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FULLER, Chairman.

Austin, Texas,
April 9, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 458, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FULLER, Chairman.

Austin, Texas,
April 9, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 739, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FULLER, Chairman.

House Bill on First Reading

The following bill received from the House was read first time and was referred to the committee indicated:

H. B. No. 88—To the Committee on Civil Jurisprudence.

House Bill 465 and House Bill 621
Ordered Not Printed

On motion of Senator Parkhouse, and by unanimous consent of the Senate, H. B. No. 465 and H. B. No. 621 were ordered not printed.

Senate Resolution 222

Senator Bracewell offered the following resolution:

Whereas, Mrs. Hope Harrison Turner of Webster, Harris County, Texas, celebrated her birthday on April 1st; and

Whereas, Mrs. Turner served in the Senate of Texas as Hostess of this body, and has served in many other capacities to reflect credit upon herself and upon the State of Texas; and

Whereas, Mrs. Turner has always been willing to give unselfishly of her time and talents to the State of Texas in any capacity which might be of benefit to the State; now, therefore, be it

Resolved, By the Senate of the State of Texas, that this body extend to Mrs. Hope Harrison Turner its congratulations and best wishes, and acknowledge her service to the State of Texas.

The resolution was read and was adopted.

Senate Bill 314 on First Reading

Senator Colson moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit her introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Ashley	Parkhouse
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Russell
Hardeman	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagon seller
Martin	Weinert
McDonald	Willis
Moffett	

Absent—Excused

Hazlewood

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Colson:

S. B. No. 314, A bill to be entitled "An Act validating the incorporation of all cities and towns of 5,000 inhab-

itants or less, heretofore incorporated or attempted to be incorporated under the General Laws of this State; validating the boundary lines thereof; validating governmental proceedings and acts; providing that this Act shall not apply to any city or town now involved in litigation questioning the legality of the incorporation if such litigation is ultimately determined against the legality thereof; providing a severability clause; and declaring an emergency."

To the Committee on Civil Jurisprudence.

Senate Concurrent Resolution 39

Senator Shireman offered the following resolution:

S. C. R. No. 39, Requesting appointment of an Address Committee.

Whereas, There has this day been filed in the House of Representatives and the Senate certain charges against C. Woodrow Laughlin, the District Judge of the 79th Judicial District of Texas, by a Member of the House of Representatives and a Member of the Senate of Texas, which should immediately be investigated fully by the two houses in order to determine whether or not an address should be directed to the Governor of Texas requesting the removal of C. Woodrow Laughlin, the District Judge of the 79th Judicial District; therefore, be it

Resolved, That the Lieutenant Governor and the Speaker shall appoint an Address Committee of six Members, three from the Senate and three from the House of Representatives, to investigate and hear evidence on the charges enumerated and other matters which, in the judgment of the committee, may become important or require investigation, it being the intention to conduct a full, fair and impartial investigation of matters bearing upon the requested address; and, be it further

Resolved, That the Address Committee shall pass upon the admissibility of testimony when said committee shall be investigating the charges heretofore mentioned; that all witnesses before the committee shall be paid the same fees as provided for witnesses summoned by the two houses; that the committee shall have the right to summon witnesses who shall be sworn by the chairman of the committee or other official designated

by the committee, and further, that the said committee shall have full authority to issue all necessary processes, summon witnesses, and to compel their attendance, and for production before it of any papers, books, or documents, and that expenses of officers effecting service shall be paid by warrant properly issued by the Chairman of the Contingent Expense Committee of the House or Senate, to be approved respectively by the Lieutenant Governor and the Speaker in the same amount and rate as provided by the general laws of this State. The committee shall have power to employ court reporters to take down the proceedings herein authorized. The committee shall have all other power necessary to conduct the hearing and investigation and shall have power to punish for contempt; and be it further

Resolved, That the hearing shall be conducted and evidence submitted upon not only such matters as have been charged specifically, but upon matters involving the charges and causes against the said Judge C. Woodrow Laughlin; provided that if in the course of investigation any testimony is admitted which is not covered by any specification in the

charges filed, that the District Judge aforesaid shall be permitted to have a reasonable time to present testimony concerning such charges; provided that testimony shall be admitted only if relevant to the charges made; and be it further

Resolved, That at the conclusion of the testimony the committee shall recommend to the two houses such action as may be necessary in its judgment in reference to the charges and requested address; and be it further

Resolved, That Judge C. Woodrow Laughlin be officially notified of the charges and causes pending against him through such process as the committee may determine and allowed counsel of his own selection. All of the counsel employed by the Judge shall be without charge to the State of Texas.

The resolution was read and was referred to the Committee on Civil Jurisprudence.

Adjournment

On motion of Senator Weinert the Senate at 12:14 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

In Memory of
Mrs. Z. M. Duckworth

Senator Parkhouse offered the following resolution:

(Senate Resolution 221)

Whereas, Our Heavenly Father on the 9th day of April, 1953, in His infinite wisdom, did call from her earthly home to join him in His Everlasting Heavenly Home, the beloved Mrs. Z. M. Duckworth; and

Whereas, Mrs. Duckworth was a pioneer citizen of Waco and later of Dallas and contributed generously and willingly of her talents to the end that the welfare of her fellow citizens would be improved; and

Whereas, Mrs. Duckworth, the former Bessie Oliver, was born in Nashville, Tennessee, and came to Texas as an infant to live with an aunt in Waco, later moving to Dallas; and

Whereas, Throughout her life Mrs. Duckworth devoted her efforts to the benefit of her church; and

Whereas, Mrs. Duckworth was one of the few remaining founders of the Central Congregational Church of Dallas; and

Whereas, Her passing is a distinct loss to her community; now, therefore, be it

Resolved, By the Senate of the State of Texas, that we express to the immediate members of the family our sincere sympathy and regret upon the passing of this distinguished citizen; and, be it further

Resolved, That a page be set aside in the Senate Journal as a memorial to her and that a copy of this resolution be mailed to the members of the bereaved family as a token of sympathy.

The resolution was read and was adopted by a rising vote of the Senate.